

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES ANTHONY WOLFE, :
Petitioner, :
v. : Case No. 3:24-cv-40-KAP
JOHN RIVELLO, Superintendent S.C.I. :
Huntingdon, :
Respondent :
:

Memorandum Order

Petitioner Wolfe's motion for a certificate of appealability, ECF no. 16, is denied as unnecessary. My recommendation and petitioner's objections to it are pending, and no further motion is needed at this time.

Petitioner's motion to proceed *in forma pauperis*, ECF no. 19, is denied. Because petitioner has already paid the filing fee, no action is needed at this time. If the Court accepts petitioner's objections and rejects my recommendation that the petition be dismissed then petitioner will be granted *ifp* status for service. If the Court accepts my recommendation, then barring order of Court to the contrary petitioner must pay the full filing fee for any appeal or seek leave from the Court of Appeals to proceed on appeal *in forma pauperis*, because as my Report and Recommendation indicates, the history of this matter shows that any appeal would not be taken in good faith. *See 28 U.S.C. § 1915(a)(3).* To the extent petitioner seeks to proceed *in forma pauperis* in the interlocutory appeal petitioner filed, it is procedurally defective and not in good faith.



DATE: April 17, 2024

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

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